

A BILL

FOR AN ACT TO REPEAL SECTION THREE THOUSAND NINE HUNDRED AND NINE OF THE CODE, AND TO ENACT A SUBSTITUTE THEREFOR, DEFINING AND PUNISHING EMBEZZLEMENT.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section three thousand nine hundred and nine of the Code is hereby
2 repealed, and that in lieu thereof it is enacted as follows : If any officer, agent, clerk or
3 servant of any incorporated company, or if any clerk, agent or servant of any private per-
4 son, or of any co-partnership, except persons under the age of sixteen years, or if any
5 attorney at law, collector or other person, who in any manner receives or collects money or
6 any other property for the use of and belonging to another, embezzles or fraudulently con-
7 verts to his own use, or takes and secrets with intent to embezzle and convert to his own
8 use, without the consent of his employer, master, or the owner of the money or goods col-
9 lected or received, any money or property of another, or which is partly the property of
10 another, and partly the property of such officer, agent, clerk, servant, attorney at law, col-
11 lector, or other person, which has come to his possession or under his care in any manner
12 whatsoever, he shall be deemed guilty of larceny and punished accordingly. And in a
13 prosecution for such crime it shall be no defense that such officer, agent, clerk, servant,
14 collector, attorney at law or other person was entitled to a commission or compensation out
15 of such money or property, as compensation or commission for collecting or receiving the
16 same, for or on behalf of the owner thereof ; provided it shall be no embezzlement on the
17 part of such agent, clerk, servant, attorney at law, collector or other person to retain
18 his reasonable compensation or collection fee for collecting or receiving the same ; but this
19 proviso shall not authorize or warrant an attorney at law to retain any money or prop-
20 erty as compensation, or as money and property on which he has an attorney's lien, after
21 the filing of a bond as provided for in section two hundred and sixteen of the Code. No
22 offense committed before the taking effect of this act shall be affected by the repeal of sec-
23 tion three thousand nine hundred and nine of the Code.